

Message Text

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PAGE 01 BERN 01062 101613Z

43

ACTION L-02

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TO SECSTATE WASHDC PRIORITY 387

LIMITED OFFICIAL USE BERN 1062

E.O. 11652: N/A

TAGS: PFOR, CFED, SZ (JUDICIAL ASSISTANCE TREATY)

SUBJ: SWISS TREATY AND SWISS IMPLEMENTING LEGISLATION

REF: STATE 051667

1. EMBASSY HAS REVIEWED CAREFULLY TEXTS OF SUGGESTED NOTE AND AIDE MEMOIRE TRANSMITTED BY REFTEL. WITH A VIEW TOWARDS INITIATING A NOTE WHICH WOULD HAVE MAXIMUM POTENTIAL FOR ACCEPTANCE BY SWISS, WE SUGGEST DEPT REVIEW LAST SENTENCE OF PENULTIMATE PARAGRAPH OF PROPOSED NOTE. CAN NEGOTIATING TEAM PROVIDE AN ACCEPTABLE TERM OTHER THAN QUOTE AFFIRMING UNQUOTE AS USED IN THAT SENTENCE? IT IS CLEAR FROM AVAILABLE RECORDS AND DISCUSSIONS THAT SWISS CONSISTENTLY TRANSLATE THE TERM AFFIRMATION AS QUOTE PROMESSE SOLENELLE UNQUOTE. A PROMESSE SOLENELLE IS PRECISELY WHAT CANNOT BE REQUIRED UNDER PROCEDURES OF THOSE CANTONS NOT HAVING SPECIFIC LEGISLATION ON THAT SUBJECT.

2. PERHAPS TERMS SUCH AS QUOTE ATTESTING OR CONFIRMING UNQUOTE MIGHT BE ACCEPTABLE TO THE TEAM AND PRESENT LESS OF A PROBLEM TO THE SWISS.
DAVIS

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Message Attributes

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